Innovations in Criminal Law Against Abuse of Women: Sri Lankan Perspective

M. A. D. S. J. S. Niriella
Department of Public and International Law, University of Colombo
jeevaniriella@yahoo.com

In Sri Lanka, women are subjected to violence in a range of contexts, including physical, sexual, psychological and economic abuse. It takes place both outside and inside the home which results in physical and emotional pain.. In considering the women's physical security, Sri Lanka represents the group that 'lacks physical security'. Being a member of State to the international and regional instruments in preventing and eradicating violence against women, Sri Lanka has introduced some penal laws to ensure women's protection. However, the protection of their rights in the criminal justice process and assistance provided to them are issues which are not addressed adequately.

This paper critically evaluates the developments in substantive and procedural criminal laws in Sri Lanka. Further, the prevalence of the problem, types of violence that Sri Lankan women are being subjected to with its consequences, the international jurisprudence and the extent to which the penal laws should be further modified in order to protect women from abuse will be discussed. This research is based on both library and fields research which involves reviewing of publications and interviews with relevant authorities.

This study found that lacking a reliable mechanism for maintaining crime statistics and data relating to violence against women, absence of effective substantive and procedural criminal laws that aligned with international and regional standards to punish the perpetrators, lack of proper system of rehabilitation and assistance for victims have aggravated the situation and led to serious social problems such as an increase in the rate of sexually transmitted diseases, sexual exploitation of women, unwanted pregnancies and psychological harms.

Key words: Criminal law, Sexual abuse, Domestic violence, Trafficking, Sri Lanka